

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In Re:

Residential Capital, LLC, et. al.

Debtor(s)

AFFIDAVIT

Chapter 11

Bankruptcy Case: 12-12020

Assigned to Bankruptcy Judge:
Judge Martin Glenn

AFFIDAVIT OF LEN M. GARZA

IN SUPPORT OF MOTION BY HSBC BANK USA, NA FOR RELIEF FROM THE AUTOMATIC STAY

Len M. Garza, being first duly sworn on oath, deposes and states as follows:

1. I am over the age of eighteen and am authorized to make this affidavit on behalf of **HSBC Bank USA, NA** ("Movant").
2. I am presently an attorney for Movant. If sworn as a witness I can competently testify to the matters stated herein. The statements set forth in this Affidavit are true and correct to the best of my knowledge and belief.
3. In this position, I have access to court records pertaining to the matters subject of this matter. I have personal knowledge of the manner in which these business records are created. These records (which include data compilations, electronically imaged documents, and others) are: (a) made at or near the time of the occurrence of the matters set forth by, or from information provided by, persons with knowledge of the activity and transactions reflected in such records; and (b) kept as a regular practice and in the ordinary course of business. In connection with making this Affidavit, I reviewed and relied on those business records concerning the loan which is the subject of this proceeding ("Loan").
4. Movant is the holder of a judgment in the amount of \$237,905.56 founded upon a note or loan agreement ("Note") for this Loan, bearing the date of 09/23/2004, in which the Debtor(s) Kenneth L. Spriggs and Jennifer Spriggs promised to pay the sum of \$194,000.00.
5. The Note is secured by a mortgage/deed of trust on real estate together with all improvements thereon, located at 7631 Inverary Drive , Frankfort, IL 60423.

6. Movant has retained counsel to pursue this motion and has incurred attorneys fees for which it seeks reimbursement.

STERN & EISENBERG, PC

BY: /s/ Len M. Garza, Esq.
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DATE: 09/17/2012